



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WALDROP et al

Atty. Ref.: **937-1499**

Serial No. **10/656,527**

Group: **1746**

Filed: **September 5, 2003**

Examiner: **Carrillo**

For: **METHOD OF REMOVING COATINGS FROM PLASTIC ARTICLES**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**FACTUAL STATEMENT OF MICHAEL J. KILLIAN IN SUPPORT OF PETITION
UNDER 37 CFR §1.47**

The undersigned, **Michael J. KILLIAN**, hereby declares and states that:

1. I am a named co-inventor of the subject matter disclosed and claimed in the above-identified application.
2. I am currently, and for all times relevant to the facts stated herein have been, employed by BASF Corporation (BASF), the assignee of the full right, title and interest in the above-identified application and the invention disclosed and claimed therein.
3. Since one of my co-inventors, Lawrence E. James, is no longer employed by BASF, I obtained from the BASF Human Resources Department the last known address of Mr. James'. Specifically, I was informed by the BASF Human Resources Department that Mr. James' last known address is as follows:

Lawrence E. James
26052 Thorpe Court
Grosse Ile, MI 48138

4. The BASF Human Resources Department did not have a telephone listing form Mr. James.
5. On or about September 7, 2005, I placed in first class mail, a package addressed to Mr. James' last known address above which included a paper entitled "Inventors' Declaration Pursuant to 37 CFR §1.131." I included an appropriate cover instruction in the package for Mr. James to review the statement in the Declaration, and if it was satisfactory, to sign and date it in the spaces provided.
6. The signed and dated Declaration has not to date been returned by Mr. James. I can only conclude, therefore, that Mr. James has constructively refused to sign the Declaration by virtue of the time that has elapsed since it was sent to him.
7. I declare further that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon

Respectfully Submitted,

X 10-4-05

Date Signed

Michael J. Killian

Michael J. KILLIAN



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* * * * *

October 4, 2005

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P.O. Box 1450
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PETITION UNDER RULE 47

Sir:

Petition is hereby made under 37 CFR §1.47(a) to accept the evidence of prior invention provided by way of a concurrently filed "Inventors' Declaration Pursuant to 37 CFR §1.131" (Rule 131 Declaration) made by less than all of the named joint inventors. Specifically, petition is made to accord this application Rule 47 status so that Messrs. Waldrop and Killian may submit the evidence provided by the Rule 131 Declaration jointly on their behalf and on behalf of their non-signing joint inventor, Mr. Lawrence E. James.

Attached hereto is a factual statement of one of the joint inventors, Mr. Michael J. Killian. As stated therein, Mr. Killian obtained the last known address of Mr. James from the Human Resources Department of BASF Corporation (BASF), the assignee of the entire right, title and interest to the subject application. BASF employed Mr. James at the time the subject invention was made but no longer is his employer. Specifically, Mr. Killian sent to Mr. James a package by first class mail on or about September 7, 2005

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which contained the Rule 131 Declaration at the following last known address in the BASF records:

Lawrence E. James
26052 Thorpe Court
Grosse Ile, MI 48138

Mr. James also included an appropriate cover which asked for Mr. James to review the statement in the Declaration, and if it was satisfactory, to sign and date it in the spaces provided. The signed and dated Declaration has not to date been returned by Mr. James. Mr. Killian therefore concluded that Mr. James has constructively refused to sign the Declaration by virtue of the time that has elapsed since the Rule 131 Declaration was sent to him.

Therefore, in view of the above, it is requested that this petition be granted for the purpose noted previously. Such favorable action is solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

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